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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,564	05/16/2001	Thomas Christopher Dyer	694231/0017	4098

7590 05/24/2004  
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EXAMINER
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YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/24/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/859,564

Applicant(s)

DYER, THOMAS CHRISTOPHER

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment (01 March 2004).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2614

### DETAILED ACTION

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al., US 6,061,056 in view of Corey et al., US 5,703,655 and Rand et al., US 2004/0080528.

In considering claims 1 and 9,

*a) the claimed a buffer configured to communicate with a decoder and with an information display system* is met by database 18 (Fig 2) and mass storage device 20 (Fig 1) which communicate which communicate to cc capture 10 via internal bus 13 (Fig 1), which the information display system is met by individual workstations 8 and multimedia display 3 (Fig 1). Menard also discloses in Fig 8-10, hard drive 32 which (buffer) which receives caption data from CC decoder 42 (Fig 8).

Art Unit: 2614

*b) the claimed said buffer capable of receiving at least a portion of the text information from said decoder* is met where the mass storage device 20 stores the incoming data streams or portions of them (col 5, line 51-55).

*c) the claimed said buffer being capable of transmitting said at received text information portion to said information display system in response to an information release signal contained in text information* is met where mass storage 20 of monitoring system 1 where based upon the customized search profile of the user, the system monitors the incoming closed caption text stream and alerts the user when a user query is matched, whether it be particular words, phrases.

Regarding the transmission of a block of text information and the detection of an information release signal where the signal delimits an end of a block.

It is noted by the examiner that the applicant's own disclosure states that closed captioned text typically includes an ASCII line feed character which indicates the end of a line, sentence or paragraph (page 7, line 18-19).

It is also notoriously well known in the art, as taught by Corey et al., that text can be broken up into segments/blocks, where the segments/blocks of text can be when a speaker changes, scene changes or keyword vocabulary changes are used to delimit each video segment (col 6, line 45-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Menard which discloses a retrieval/monitoring system which provides the user the closed captioned data based on the users search settings (keywords/phrases) where the information provided to the user can be information

before and after the identification of the word/phrase based upon the user's setting, by utilizing the line feed character which is included in the closed captioned text as done by Corey, to provide the viewer text information which relates to the video being displayed.

Regarding the streaming media format, Menard discloses displaying the video/text in a live mode (live view) (Fig 9,10) and also gives the user the option of outputting an AVI (non-streaming) formatted signal which can be used by the viewer to re-record or edit the program.

Although, Menard discloses a system for monitoring broadcast channels, based upon content of interest to the user, the ability to receive streaming media including video and text is conventional in the art, thus the examiner incorporates Rand et al., US 2004/0080528 which discloses a system which delivers both video and text (streaming) over the internet to a user computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Menard and Corey, which discloses a retrieval/monitoring system which provides the user the closed captioned data based on the users search settings (keywords/phrases) where the information provided to the user can be information before and after the identification of the word/phrase based upon the user's setting, by utilizing the line feed character which is included in the closed captioned text to delimits the required segments, to provide the viewer text information which relates to the video being displayed as done by Rand, to also provide the viewer the ability to view both the video/text of complete program received over the internet, thus providing the user the ability to select video/text information from a variety of sources.

In considering claim 2,

*The claimed further comprising a display configured to simultaneously present said block of text information portion and said corresponding video information, said text information thus being displayed in a block-sized segment* is met where the viewer/user is able to view both the video signal 70 and the corresponding closed captioned data 72 simultaneously on the multimedia display monitor (Fig 12).

In considering claims 3, 13, 28 and 32

*The claimed wherein said buffer is further configured to transmit said text information portion to said information display system as a text script command* is met where the closed captioned text is decoded, thus being a text script.

In considering claims 4, 14, 15 and 22

*The claimed wherein said information display system comprises an audio-visual media player* is met by multimedia display 3 (Fig 1), which consists of a personal computer.

In considering claims 5, 11, 18, 23, 30 and 37

*The claimed wherein said video information comprises at least a portion of a video broadcast* is met where the video information includes broadcast television signals (col 3, line 29-49).

In considering claims 6, 12, 19, 24, 31 and 38

*The claimed wherein said text information comprises closed caption information* is met where the received information includes video, audio and closed-captioned data (Fig 1).

In considering claims 7, 16, 25 and 35,

Menard does not explicitly recite the information release signal comprising a line feed character.

Menard discloses a system where based upon the identification of particular words or phrases, and based upon the user setting is able to set the display to record the video, audio and closed captioned text from 30 seconds before to 5 minutes after the appearance of a keyword/phrase in the closed caption stream (col 5, line 7-19).

The examiner relies on the applicant's own disclosure which states that closed captioned text typically includes an ASCII line feed character which indicates the end of a line, sentence or paragraph (page 7, line 18-19).

Thus although Menard does not explicitly recite the structure/details of closed captioned text, the use of a line feed character is included as stated by applicant.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize in Menard, which discloses a retrieval/monitoring system which provides the user the closed captioned data based on the users search settings (keywords/phrases) where the information provided to the user can be information before and after the identification of the word/phrase based upon the user's setting, by utilizing the line feed character which is included in the closed captioned text, to provide the user the complete line, sentence, paragraph of the information retrieved for the user, thereby providing the user a portion of the retrieved closed captioning text which is readable by the user.

In considering claims 8, 17, 26 and 36

*The claimed wherein said display is a video monitor* is met by multimedia display 3 and workstations 8 (Fig 1).

In considering claim 10,

*The claimed further comprising a display configured...* is met where the viewer/user is able to view both the video signal 70 and the corresponding closed captioned data 72 simultaneously on the multimedia display monitor (Fig 12).

In considering claim 15,

*The claimed wherein said audio-visual media player comprises an audio-visual media player* is met where multimedia display 3 is a personal computer with access to a VCR.

In considering claims 20, 27 and 39-40,

*b) the claimed a buffer...* is met by mass storage 20 of monitoring system 1 where based upon the customized search profile of the user, the system monitors the incoming closed caption text stream and alerts the user when a user query is matched, whether it be particular words or phrases.

*c) the claimed an information delivery system...* is met where monitoring system 1 may communicate with multimedia display 3 via bi-directional link 6 and to network computers 8 via network 7. Both the video signal 70 and the corresponding closed captioned data 72 are displayed simultaneously on the multimedia display monitor (Fig 12).

Regarding the information release signal delimiting an end of said block and streaming format—please refer to rejection/motivation for Claim 1 above.

Regarding the use of an encoder, refer to claim 21 below.



In considering claim 21 and 41,

The combination of Menard/Corey and Rand do not explicitly recite the use of an encoder. However, the encoder as described in the applicant's specification is simply a device which merges extracted components with the unprocessed components.

Therefore Menard meets the claimed language as stated in the specification since the video and text are properly synchronized/combined for display.

In considering claim 33,

*The claimed wherein said information storage device is transferred to said information display system by an audio-visual media player* is met where the storage can be a VCR (Fig 1).

In considering claim 34,

*The claimed information display system comprises an audio-visual media player* is met where multimedia display 3 is a personal computer with access to a VCR. It should also be noted that as described in the applicant's disclosure, the use of media players utilized within a display system (computer) are conventional in the art.

### ***Conclusion***

Art Unit: 2614

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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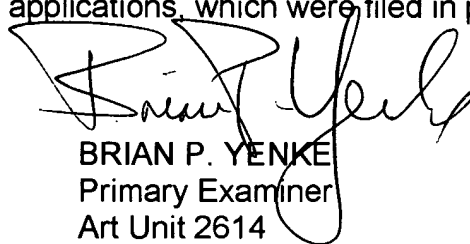
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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

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Art Unit: 2614

applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.

11 May 2004